



**Prince Edward County Planning Commission
Meeting Minutes
May 19, 2020
7:00 pm**

Members Present:	John Prengaman, Chair	John “Jack” W. Peery, Jr., Vice Chairman
	Donald Gilliam	Robert “Bobby” Jones
	Preston L. Hunt	Clifford Jack Leatherwood
	Whitfield M. Paige	Cannon Watson
Absent:	Mark Jenkins	Teresa Sandlin
Staff Present:	Wade Bartlett, County Administrator	Robert Love, Zoning Administrator

Due to the COVID-19 Emergency, the Prince Edward County Planning Commission is operating pursuant to and in compliance with the County’s “EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE.” While physical (in-person) access to these public meetings is not permitted, the public may participate in these meetings by calling 1-425-436-6934, Access Code: 867576# (If busy, please call again.)

Chairman Prengaman called the May 19, 2020 meeting to order at 7:00 p.m.

Approval of Minutes: February 18, 2020

There being no comments or corrections, Chairman Prengaman declared the February 18, 2020 meeting minutes approved as presented.

In Re: Public Hearing - Special Use Permit, Hertzler - School

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on a Special Use Permit application to permit the construction and operation of a one-room schoolhouse (26’ x 42’) on Tax Map Parcel 86-A-1, near 3859 County Line Road. Notice of this hearing was advertised according to law in the Wednesday, May 6, 2020 and Wednesday, May 13, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received a Special Use Permit application from Mr. Tobias Hertzler for Tax Map Parcel 86-A-1, identified as 3859 County Line Road, owned by Israel and Katherine Yoder. The purpose of the Special Use Permit is to build and operate a one-room school house. This parcel is in an A1, Agricultural Conservation zoning district and educational facilities are allowed in the district only after approval of a special use permit.

The public hearing notice was published in the May 6, 2020 and May 13, 2020 editions of the Farmville Herald. The list of adjoining property owners, sample letter sent to each and a copy of the Tax Map page that depicts the Tax Map parcel the school will be place and surrounding property have been presented to the Commissioners and posted for public review.

Mr. Bartlett discussed the site plan for the school and accessory buildings. He said the school will consist of one room with vinyl siding and a metal roof and will be 42’ x 26’ in size. It will be located 168 feet from SR 671, County Line Road, and the setback from adjoining properties far exceed the minimum requirement of 35 feet. There will be two 9’ x 9’ privies constructed of concrete block and wood. One will be located 27 feet in front of the School and the

other 47 feet behind the School House. There will be a 16' x 16' metal shed enclosed on three sides, 63 feet behind the School to store buggies, horses, fire wood, etc.

The School is expected to operate from 8:30 a.m. to 3:00 p.m. from the end of August to mid-May of the following year. County staff is of the opinion the use is compatible with the zoning district and will have minimum impact on surrounding properties.

Chairman Pregelman opened the public hearing.

There being no one wishing to speak, Chairman Pregelman closed the public hearing.

Chairman Pregelman said the setback is more than sufficient, is a benefit for the landowner, neighbors and friends.

Commissioner Jones said the neighbor he spoke with is in favor of the project. Chairman Pregelman agreed and stated the neighbor stated it is a positive for the community.

Chairman Pregelman made a motion, seconded by Commissioner Peery, to approve recommendation to the Board of Supervisors the Special Use Permit application to permit the construction and operation of a one-room school house; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Pregelman		
	Cannon Watson		
Absent:	Mark Jenkins		
	Teresa Sandlin		

In Re: Public Hearing - Special Use Permit, Shooting Range

Chairman Pregelman announced this was the date and time scheduled for a Public Hearing on a Special Use Permit application to permit the operation of an outdoor shooting range on Tax Map Parcel 113-6-A with an address of 1633 Virso Road. Notice of this hearing was advertised according to law in the Wednesday, May 6, 2020 and Wednesday, May 13, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received a Special Use Permit application from Mr. Jack Burger for Tax Map Parcel 113-6-A, identified as 1633 Virso Road, owned by Jack and Roseanne Burger. This parcel is in an A1, Agricultural Conservation zoning district and Outdoor Shooting Ranges are allowed in the district only after approval of a special use permit.

The public hearing notice was published in the May 6, 2020 and May 13, 2020 editions of the Farmville Herald. The list of adjoining property owners, sample letter sent to each and a copy of the Tax Map page that depicts the Tax Map parcel the school will be place and surrounding property have been presented to the Commissioners and posted for public review. The parcel is outlined in red and adjoining structures are depicted as orange squares.

Mr. Bartlett stated the purpose of the Special Use Permit is to build and operate a skeet-shooting range. The range will primarily be used by a shooting team from Hampden-Sydney College. The range will only be used during daylight and it is anticipated to be used one day a week on average from approximately 4:00 – 8:00 p.m. It is anticipated approximately 6-12 people will be in attendance with 3-5 vehicles during each session with 200-250 rounds fired, and the sessions would last approximately 1-2 hours. There will be three mechanical throwers located approximately 700

feet from Virso Road in the middle of the property. The clay pigeons will be launched to fly toward the back of the property. The back-property line is 700 feet from the launchers.

Mr. Bartlett reviewed an excerpt from a pamphlet from the National Skeet Shooter Association concerning the planning, building and operation of a skeet field. As can be seen, the site proposed does not contain enough land to meet the recommendations; these recommendations are for a commercial range with several shooting fields. This range will only have one field. Mr. Bartlett said that from his research, only having one field will greatly reduce the width of the land needed but not the depth of the range. He said the distance a pellet can travel depends on the size and from what gauge shotgun the shell is fired. It appears the shot most often used in skeet shooting is either #8 or #9. Assuming they are shot from a 12-gauge shotgun, the pellets will travel approximately 600 feet, depending on wind and other environmental factors. From the description of where the shooters will stand, it seems there will be about 700 feet from them to the property line; no detailed site plan was submitted. That does not leave much of a safety/buffer zone and from research, a 300-foot buffer zone is most often recommended. In addition to safety, noise and clean-up of broken clay pigeons would be challenges. If lead shot is used, that could pose potential contamination challenges for both wildlife and water. How easily lead oxidizes and can be transported is dependent on many factors with the amount of precipitation and the acidity of the soil being the major factors.

Mr. Bartlett said the County has received two objections to the request from adjoining property owners who are concerned with the noise, safety, loss of property value and ability to sell their property in the future because of the shooting range. Mr. Larry Adkins, owner of Tax Map Parcel 113-A-28B2, which is immediately to the north of the property, and Mr. Jeff Arnold Pride, owner of Tax Map 113-A-17, addressed as 39 Walton Farm Drive, both objected to the placement of the shooting range on Mr. Burger's property.

Mr. Bartlett said County staff is of the opinion the use is not compatible with the adjoining properties due to noise and safety concerns.

Charles Horton, representing Mr. Burger, said the woods line extends north/south immediately to the west of the wooded line. He said he has a military background and experience setting [up shooting] ranges so the surface danger zone falls within Burger's property. The targets will be launched to the west; the operation will be completely on Mr. Burger's property. Mr. Horton said there will be no impact of safety outside the Burger property.

Mr. Horton said they will be using biodegradable clay skeet. There are five team members; he said there would be 250 shots per practice, two boxes of shells each; practice would be approximately one and one-half to two hours long. People use private ranges often and it is a minimally invasive operation.

Chairman Pregelman asked if the estimate where tree line ends is 500 feet in onto the property from the road, that would leave about 900 feet from there to the edge of Mr. Burger's property going west, and north/south, the property line would be about 130 yards across for the shooting area.

Mr. Horton said that based on satellite imagery, from the location the machines will be set up through the end of the property is over 1,000 feet.

Chairman Pregelman opened the public hearing.

Scott Schmolesky said only five or six students are permitted to be on the range at a time, twice a week, with a maximum of two hours at a time. He said practice would be twice a week at the most and it is not intrusive.

There being no one wishing to speak, Chairman Pregelman closed the public hearing.

Commissioner Jones said he would like to see a site plan that shows the location of the machinery; he said the hours of operation and there needs to be a limit to the number of students at a time.

Commissioner Hunt recused himself from the process.

Chairman Pregelman recused himself from the process due to a conflict of interest.

Mr. Horton said he will provide the necessary information.

Commissioner Paige said the hours of operation were set at 4:00 – 8:00 p.m. during daylight hours; he asked the days of operation and if they intend to operate on Sundays.

Commissioner Leatherwood said those hours in the winter would require lighting.

Commissioner Jones made a motion that they return with a site plan and other information.

Commissioner Watson said there is some gravity to it with the noise. He said coming back with a plan, refined and defined more; he said for the group to not be discouraged if the project is tabled.

Commissioner Jones made a motion, seconded by Commissioner Leatherwood, to table the request until further information could be provided; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)	Abstain:	Preston Hunt
	Robert M. Jones				John Prengaman
	Clifford Jack Leatherwood				
	Whitfield M. Paige				
	John “Jack” W. Peery, Jr.				
	Cannon Watson				
Absent:	Mark Jenkins				
	Teresa Sandlin				

In Re: Public Hearing – Rezoning Request, Luck Stone

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on a request by Luck Stone Corporation to rezone Tax Map Parcels 10-A-8 and 21-A-83 from A-1, Agricultural Conservation to A-2, Agricultural Residential. Notice of this hearing was advertised according to law in the Wednesday, May 6, 2020 and Wednesday, May 13, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received a request from Luck Stone to rezone Tax Map Parcel 10-A-8 and 21-A-83 from A1, Agricultural Conservation to A2, Agricultural Residential. The purpose of the rezoning is to allow Luck Stone to recruit new businesses to the Parcels which are also the site of Luck Stone’s quarry. Specifically, Luck Stone has stated they would like to recruit both an Asphalt Plant and a Concrete Plant to the site. Neither uses are allowed in the A1 zoning district. Once rezoned, Luck Stone could locate any use allowed by right in the A2 zone on the property, but all of those are less intensive than the current quarry operation. Such uses allowed by right in the A2 zone include 1) Agriculture; 2) various Residential uses; 3) Civic uses such as camps, post office, public assembly and community recreation; 4) Medical Office; 5) various Commercial Uses such as an antique shop, personal services, veterinary services; and 6) Miscellaneous Uses such as an amateur radio tower and minor utility services. No Industrial Uses are allowed by right in the A2 zone.

As stated above, the properties already house the Luck Stone quarry and has a large commercial entrance that can be used for additional commercial uses. The property is adjacent to Highway 460 West at 11779 Prince Edward Highway, Farmville, VA 23901 and is near the intersection of Highway 460 and Highway 15. The request is consistent with the County’s Comprehensive Plan which states the Route 460 corridor West of Farmville is a commercial corridor. The Comprehensive Plan states the location of new business in the County is a primary objective to achieve the goal of stabilizing, balancing and strengthening the local economy. This rezoning will assist the County in achieving that goal and changing the zoning to A2 would better align the zoning with the current use even with no additional uses placed on the properties.

Mr. Bartlett said the County received emails from citizens:

Robyn Simpson expressed her concerns regarding the rezoning and special use request from Luck Stone Corporation. “Our home and farm and upcoming wedding venue/bed and breakfast is adjoining property to this location. We already have a concrete plant and asphalt plant directly across 460. We have concerns that bringing an asphalt plant closer to us would allow the pollution/ smell of the asphalt to inhibit our air quality for ourselves and our livestock as well as our clients.”

Tim Tharpe, President of J R Tharpe Trucking, “support Luck Stone in their request to rezone and obtain a special use permit which would allow the construction and operation of an asphalt and concrete plant on the Prince Edward Quarry site. Our company has been contract hauling for Luck Stone for the last 50 years. They are a great company to have in the community. Our company, like Luck Stone, is family owned and operated. We are located in Rice, VA, currently employ 105 people, and to my knowledge are one of the biggest personal property tax payers in Prince Edward County. This permit allowing Luck Stone to have a related user on site is vital to the long-term success of our company, as well as for theirs. This addition is also important to the valuable people we both employ that reside in Prince Edward County. Your consideration and approval would be much appreciated.”

Ben and Liz Sears wrote “As adjacent property owners, we adamantly oppose any further rezoning or construction to the existing Luck Stone plant. During the course of construction and operation of the plant, we have been subjected to a number of issues: Random blasting by the quarry without prior notice has led to the house shaking, drywall cracking and our well to become cloudy with dirt; The constant movement of heavy equipment directly behind our property begins early in the morning and lasts until after dinner almost every day of the week. The berm promised to property owners has been erected but fails to block any noise as equipment simply works on top of the pile. From Spring until early Fall our entire property, vehicles, and any outdoor equipment is covered in a thick layer of red dirt and dust coming from winds that carry debris off of the pile and across our property. It does no good to wash our vehicles or have our children play outside because this dust covers every inch of their play toys and swing sets. We feel that any further construction by Luck Stone and Mr. Tharpe will only exacerbate the situations already present. Furthermore, we already have both a concrete and an asphalt plant located nearly across the highway from the main entrance of Luck Stone on 460. Unless demonstrated otherwise, there is currently no adequate need for a second plant to provide service to our area. Until Luck Stone can rectify problems that currently exist with adjacent property owners, we respectfully ask that the planning commission deny this rezoning request.”

Doug Quarles, Land Use Manager, Luck Stone, said the requested plants are related users and it is advantageous for these to be located near the quarry. He stated Luck Stone is a family-owned business for over 100 years, with 25 locations in Virginia, North Carolina, South Carolina, and Georgia. He said that in 2017, they opened the plant on Route 460. Currently, Luck Stone has 17 locations with related users on-site; if this permit is approved it would assist Luck Stone in preparation for changes in the industry, competition and market landscapes. He said they have not yet identified who those related users would be but if approved, they can negotiate with candidates. Mr. Quarles reviewed maps included in their presentation; he said the maps show the entire location with operations and surrounding buffers. He said on the lower left of the property are two five-acre plots which are the designated sites; he then reviewed his presentation.

Mr. Quarles said the request for rezoning from A1 to A2; he said he does not anticipate these plants will have noise, dust, or odor impacts to adjacent properties. He said the forested land will remain intact and serve to minimize any potential impact. He said they will not be creating an additional entrance and both plants will use the existing entrance. Both will be built to DEQ standards and will have stormwater and ETS controls will be submitted for approval. He said they included a list of recommended conditions to help minimize concerns regarding operations, aesthetics and the environment. Mr. Quarles said a traffic impact study was performed in 2009; since that study didn't address additional users on the site, an additional study was done this year and no improvements are needed to the commercial entrance. He said from a County benefit perspective, last year the Prince Edward plant generated almost \$30,000 in tax revenue; the site had a local spend of over \$340,000. He said there are plans to transition from mobile crushing to a permanent plant which would require a capital spend of over \$10 million to construct. He said the addition of the related users as on-site customers would increase the site's demand; in addition to the capital spend, it will increase the annual County revenue from sales and Machinery & Tools taxes. The related user plants will require capital spending of \$2 million to \$3 million and add ten to twenty new permanent jobs for the county.

Commissioner Jones questioned the complaints about dust and asked if they have received any calls regarding this issue. Mr. Bartlett said he has received complaints about this and other issues over the past three years; he said the

noise from crushing stone and beeping have been reported, along with the major concern of dust. Mr. Bartlett said the berms are not planted with grass and may need seeding. Mr. Bartlett said there have been complaints regarding the wells and water quality in the area.

Commissioner Jones asked if anyone has tested the water. Mr. Quarles said they are stripping now, treating and seeding it and have long term plans for it to be fully developed as a natural buffer. He said the combination of stripping and the dry season caused more dust but they are aware and are doing what they can to address it.

Keith Black, Plant Manager, Luck Stone, said the noise concerns from the blasting and crushing are primarily due to wind direction; Mr. Quarles said they are well under the limits of the blasting as required by DMME. Mr. Black said it is normally under 10% of the limit.

Mr. Quarles said the quarry follows their standard hours of operation. There is no blasting in the late hours of the evening or at night. He said they included standard hours of operation for the proposed asphalt and concrete plants in the application submitted, bearing in mind that certain projects might require the plants to operate outside of those hours.

Chairman Pregelman asked if there is a timeline for the buffer to be fully developed. Mr. Black said the current buffer on the east side towards Route 15 will probably stop for a few years then may have to revisit it and possibly add more to it.

Mr. Bartlett said that Erosion & Soil Control is not only for water and rain but it is also for wind. He said if there is a problem, the County will be out to investigate; if there is a lot of dust coming off the berm, Luck Stone will have to take action to reduce that.

Chairman Pregelman said the company's being proactive in that would be a positive. He asked if the plants will be year-round or seasonal.

Mr. Quarles said the drum plant which runs all the time. He said there is a lower volume during the winter months, but it operates continuously.

Commissioner Jones asked if the buffer, "Buffer C," is already there or does it need to be constructed considering the location of the concrete and asphalt facilities. Mr. Quarles said Buffer C, which is south of the current extraction area, is there with natural vegetation; Buffer B area is closer to the proposed plants. He said they will have no impact on either buffer which are for the quarry operation. Mr. Quarles said it provides a good screen for the surrounding properties.

Chairman Pregelman opened the public hearing.

Robyn Simpson expressed her concerns about the rezoning; Luck Stone already has a DEQ application to make changes to their quarry operation. She said it is to push past the boundaries and buffers that are already in place. She said she would like to see what happens with their current request and the boundaries first. She added that there is a concrete plant across the road that has served the area for three generations.

Vicky Rundstrom expressed her concerns regarding the existing plant with dust issues; she said where they intend to put the asphalt plant, there is no buffer and they get black dust. She said she can hear the rock crusher, the beeping and the loading of rock into trucks all day long, and now there is a two-story pile of gravel dumping into trucks; the noise from blasting, from the crusher may be under the guidelines but the vibrations are felt in the home and her rental homes. She said she has had to rearrange her whole day around the blasting and they do have damage in the house. She asked that they address the current issues first.

Mr. Quarles said they are expanding operations within the current permit limits in trying to add the related users to help to make sure the site remains operational and successful for the long term. He said the blasting is well under the state limitations; he said he understands the concerns and they have been working with the Rundstroms, monitoring the seismograph activity within her home every time they blast to ensure they are well within the limitations. He said

that regarding the concerns related to the quarry operations and they wish to improve on any concerns that anyone has. The related users will not have negative effect and they are a good fit for the location.

Mrs. Rundstrom asked when construction on the new plants begin. Mr. Quarles said fairly soon; it requires the permits and they are in discussion and negotiation with potential candidates.

Mrs. Rundstrom then said that the proposed asphalt plant is directly south-west of her home and would be in clear sight; she said she can see the building and the Scalehouse all fall and winter. She said to have the smoke blowing towards her property, which would be the prevailing winds, her health could not take it. She said there is an asphalt plant and concrete plant that have just located next to Luck Stone.

Mr. Quarles said the purpose of having the companies on site is to sustain the site for other operations in the future. Luck Stone has these operations on site at many locations.

Chairman Prengaman said there are concerns regarding the rezoning issue and the special use permit, and discussion helps.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Commissioner Jones asked if anything has been done to address the concerns regarding the buffer. He said he has questions about the expansion of the DEQ permit, and asked if they are trying to go past the current boundaries. Mr. Bartlett said as the quarry matures it can expand; he said he will need to look at the site plan that was approved by the Board of Supervisors for the initial operation. Mr. Bartlett said the buffers may become longer and higher. Discussion followed.

Mr. Quarles said they are not impacting the buffers, or may improve based on over-burden placement; he said they are not exceeding the limit of the extraction area that was approved in the plan. He said any pit expansion is within the area that was approved; anything with DEQ and DMME is to make sure any changes and improvements to the plants and pit area are updated and approved by them.

Commissioner Jones asked if anything can be done to improve the buffer between the Luck Stone Property and Mrs. Rundstrom's property. Mr. Bartlett the buffer needs to include evergreens according the Zoning Ordinance, and can be covered in the Special Use Permit application conditions. Discussion followed.

Commissioner Jones made a motion, seconded by Commissioner Hunt, to approve recommendation to the Board of Supervisors the rezoning of Tax Map Parcels 10-A-8 and 21-A-83 from A1, Agricultural Conservation to A2, Agricultural Residential; the motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Cannon Watson		
Absent:	Mark Jenkins		
	Teresa Sandlin		

In Re: Public Hearing - Special Use Permit, Luck Stone

Chairman Prengaman announced this was the date and time scheduled for a Public Hearing on a Special Use Permit application by Luck Stone Corporation to allow the construction and operation of an asphalt plant and a concrete plant on Tax Map Parcels 10-A-8 and 21-A-83 on which the Luck Stone Quarry operation exists at 11779 Prince Edward

Highway. Notice of this hearing was advertised according to law in the Wednesday, May 6, 2020 and Wednesday, May 13, 2020 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Mr. Bartlett stated the County has received an application for a Special Use Permit from Luck Stone Corporation for Tax Map Parcels 10-A-8 and 21-A-83, to allow the siting of both an asphalt plant and a concrete plant on the parcels. Both operations are allowed in the A2, Agricultural Residential zoning district.

The properties already house the Luck Stone Quarry which has a large commercial entrance that can be used for additional commercial uses. The property is adjacent to Highway 460 West at 11779 Prince Edward Highway 10-A-8 and 21-A-83 on which the Luck Stone Quarry operation exists at 11779 Prince Edward Highway, Farmville, VA 23901 and is near the intersection of Highway 460 and Highway 15. The request is consistent with the County's Comprehensive Plan which states the Route 460 corridor West of Farmville is a commercial corridor. The Comprehensive Plan states the location of new business in the County is a primary objective to achieve the goal of stabilizing, balancing and strengthening the local economy.

The County Zoning Ordinance (Section 3-100.11) requires a Type C buffer between an Asphalt Plant and adjoining property. Typically, concrete plants have been treated the same as Asphalt plants and Mr. Bartlett said he would recommend this occur for this site. He said a Type C buffer can be either a 15-foot buffer yard with one row of large evergreen trees and one row of small evergreen trees or a 25-foot buffer yard with one row of large evergreen trees. In addition, if an Asphalt Plant is within 1,000 feet of a residential use, the Zoning Ordinance states the Planning Commission and the Board of Supervisors "shall specifically consider and set standards for the following – 1) The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height; 2) Specific measures to control dust during the construction and operation of the plant; 3) Specific measures of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines and any additional requirements for the design or operation of the plant intended to reduce noise." There is one residential use within 1,000 feet of the proposed sites for the plants.

Luck Stone's application narrative states the silos at each plant will not exceed 100 feet, it does not address either dust control or noise levels in their application except to state "Noise, odor and dust will be minimal and should not impact any of the surrounding properties."

An excerpt presented from VDOT's 2019 Daily Traffic Volume Estimate showed the Annual Average Daily Traffic (AADT) for Highway 460 from SR 307 to the Appomattox County Line. The traffic count at the quarry entrance is approximately 9,000-10,000 AADT. The Green Light Solutions Traffic Assessment estimates the two plants would add 152 trips each day after discounting internal trips, with one-half of the trips (76) entering the site and one-half exiting. This number will not have a significant impact on Highway 460 and the report concludes the existing turning lanes associated with the Highway 460 median crossover will be able to handle the projected volumes.

Additional information submitted from Luck Stone provides proposed conditions that Luck Stone is offering to impose on plant operators; the sites will be using wells and septic systems. Luck Stone did not address dust control measures in their narrative or request.

It is Luck Stone's intention that other companies will build and operate both of these plants; they do not plan on building and operating either plant. At this time Luck Stone has not identified any company that will build either plant. That means the request is speculative at this time. If the Planning Commission and Board approve this request, it will be Luck Stone's responsibility to ensure the plans are built according to the approved site plans and the plants must operate and abide by any and all conditions placed on the site by the Planning Commission and Board.

Mr. Bartlett said he reviewed the map and found the Rundstrom property to be 1,967 feet from the proposed location. He said there is another residence that is approximately 367 feet away. The natural buffer is between that residence and the proposed uses. Discussion regarding proposed locations of the concrete and asphalt plants followed.

Doug Quarles, Land Use Manager, Luck Stone, stated the distance from the proposed site to the Motley residence is about 400 feet away and the Rundstrom property is about 2,000 feet away.

Mr. Bartlett said the Zoning Ordinance requires conditions of a maximum height of a structure and if additional setbacks are needed to compensate for increased height, and specifically mentions dust control during construction and operation of a plant(s) and the specific levels of noise permitted during the day and night time operation, measured from adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise. Mr. Bartlett said the distance from the residences is at least 400 feet; the application does contain conditions included, with silos not to exceed 100 feet in height but does not address dust control or noise levels in their application except to state that noise, odor and dust will be minimal and should not impact any of the surrounding properties. He said if the Planning Commission and Board of Supervisors approve this request, it will be Luck Stone's responsibility to ensure the plants are built according to the approved site plans and the plants must abide by any and all conditions placed on the site by the Planning Commission and/or the Board of Supervisors. He added the five-acre lot may not be large enough for the Stormwater regulations.

Robert Love, Prince Edward County Planner, said a condition could be added that limits the disturbance would be the maximum required but not to exceed the DEQ requirements; he said once you get to DEQ, they sometimes require a bit more land, maybe a quarter-acre to an acre.

Commissioner Jones asked if Luck Stone intends to convey that amount of land to the proposed business sites; Mr. Bartlett said Luck Stone is designing these plants for someone else to use. Discussion followed.

Mr. Quarles said there are specifications regarding the site that need to be outlined; he said a building permit and full site plans will be submitted to the County and the DEQ. These will have ETS controls and Stormwater Management. They will include where the associates working at the plants will park to where the power house will be. He said the design will provide a maximum size plant based on capacity. He said the plants could be smaller but will not exceed the size on the plans. Discussion followed.

Commissioner Peery asked if this would be more appropriate when the businesses are ready. Mr. Bartlett said they have the site plan and their main concern is the overall size of the site. He said site conditions would include the hours, buffer and berms, permits such as from DMME and regarding stormwater, appropriate lighting fixtures, how complaints about odors are handled, and height regulations.

Mr. Quarles said Luck Stone is being compliant with Stormwater regulations. He said Luck Stone has been in contact with the Rundstroms and is doing what they can; he said there is another property in between and some topography that may make it challenging to increase the current buffer, but are willing to improve on the current buffer. He said the buffer on the western side will also be improved.

Chairman Prengaman opened the public hearing.

Tim Tharpe said he is in support of Luck Stone to allow the related user. Chairman Prengaman read the email received from Mr. Tharpe: Tim Tharpe, President of J R Tharpe Trucking, "support Luck Stone in their request to rezone and obtain a special use permit which would allow the construction and operation of an asphalt and concrete plant on the Prince Edward Quarry site. Our company has been contract hauling for Luck Stone for the last 50 years. They are a great company to have in the community. Our company, like Luck Stone, is family owned and operated. We are located in Rice, VA, currently employ 105 people, and to my knowledge are one of the biggest personal property tax payers in Prince Edward County. This permit allowing Luck Stone to have a related user on site is vital to the long-term success of our company, as well as for theirs. This addition is also important to the valuable people we both employ that reside in Prince Edward County. Your consideration and approval would be much appreciated."

Chairman Prengaman said Ben Sears wrote in response to the Special Use Permit, during the course of construction and operation of the plant, they have been subjected to a number of issues: random blasting by the quarry without prior notice; constant movement of heavy equipment directly behind their property which begins early in the morning and lasts until after dinner almost every day of the week; the berm promised to property owners has been erected but fails to block any noise and the equipment simply works on top of the pile; from spring until early fall the entire property, vehicles and outdoor equipment are covered with a thick layer of red dirt and dust; and the feeling is that any further construction by Luck Stone and Mr. Tharpe would exacerbate the situation already present. If Luck Stone cannot rectify the problems that currently exist with adjacent property owners, they respectfully ask the Planning Commission to deny the request.

Chairman Pregaman read the letter from Robyn Simpson who said her concern is that their home, farm and upcoming wedding venue and B&B is adjoining property. There is already a concrete plant and asphalt plant directly across the road, and bringing an asphalt plant closer would allow the pollution, smell of the asphalt to inhibit air quality for themselves, their livestock and their clients.

Mr. Quarles said he understand the concerns; there has been no input personally about the dust issue. He said he learned of this from Mr. Bartlett after this application was submitted. He said that he is more than happy to go to the Sears' home to rectify the situation. Mr. Bartlett said he learned that Luck Stone reached out but there was no response.

Vicky Rundstrom asked the location of the asphalt plant and asked what is in the additives of the asphalt, concerned about the dangers of the additives and the smoke.

Mr. Quarles said the recommended conditions is that if the County receives a complaint about the odor, Luck Stone would make sure the related user would include the additive in their mixture to reduce the odor. Emissions are restricted and monitored by DEQ and the EPA, and restrictions placed on the operation of the asphalt plant would be by State regulation. He said what comes from the smokestacks is steam; that is really a DEQ and EPA question and is outside of Luck Stone's limitations as far as regulation goes.

Mrs. Rundstrom said she is trying to prevent it now before having to deal with it after it's already built; she said everything from the entrance of Luck Stone blows on the back of the home and the smoke is as bad as the smell. She said she cannot leave her windows open when the plant is in operation because of the black dust. She said the prevailing winds come directly at the house, regardless of the 1,000-foot limitation.

Mr. Quarles said Luck Stone is more than willing to help Mrs. Rundstrom with buffer options regarding her property. He said the asphalt plant is really under the scrutiny of the DEQ and the EPA; he said he will look at additional buffer.

Chairman Pregaman suggested a meeting between Luck Stone and its neighbors.

Mrs. Rundstrom said Luck Stone has the most polite, well-mannered men that she has ever spoken to in all her years of business.

Robin Simpson said she owns the Mottley farm and lake which adjoins Luck Stone; she said Mottley Lake is the back-up water supply for the town and it is important to protect that. She gave an example of what it is like to live next to the quarry, describing the blasts that shake the house and windows, knock pictures off the walls, knocks things off shelves and shakes your body. She said doors in her home don't shut and boards pop off the walls in the horse stalls. She said she's had to put in a new well and the water pressure isn't as good as it had been. She stated the lighting shines right onto the property. Ms. Simpson said there is no berm, just a dirt hill. She questioned the proposed hours of operation; she stated she has had to move her livestock because they cannot breathe the asphalt from the existing plant and would be worse with another plant. She said the potential for pushing past the existing boundaries and the need for the DEQ permit filed to be finished before allowing another business there. She requested the Planning Commission table this issue, allowing time to meet with Luck Stone and to have the DEQ permit finished, and asked that the decision be put off for a while.

Mr. Quarles said the permits with DEQ are wetland permits that they are trying to acquire and are within the extraction area. He said they are still within the current limits. He said additionally, regarding the blasting activity and problems in the home, he apologized and stated he wished he knew sooner. He asked if there had been a pre-blast survey, and said if anything is wrong, he would be happy to have a third-party company investigate based on the survey that was done. He said he would like to correct any issues.

Mr. Bartlett asked Mr. Quarles to look into the issue about the light shining onto Mrs. Simpson's property. Discussion followed.

Chairman Pregaman repeated his suggestion of a meeting with Luck Stone and its neighbors.

There being no one further wishing to speak, Chairman Pregaman closed the public hearing.

Chairman Prengaman stated each site is five acres in size; the buffer and the hours of operation are critical. He said the height of the buffer, type of material and other considerations above and beyond the regular conditions may be necessary.

Commissioner Jones said the buffers need to provide year-round shielding and should include evergreens.

Following some discussion, Commissioner Jones made a motion, seconded by Commissioner Leatherwood, to recommend approval to the Board of Supervisors the Special Use Permit to allow the construction and operation of an asphalt plant and a concrete plant on Tax Map Parcels 10-A-8 and 21-A-83 on which the Luck Stone Quarry operation exists at 11779 Prince Edward Highway, with the following conditions:

1. Development and use of the subject property for the related uses shall conform and adhere to all conditions associated with this permit.
2. The hours of operation are normally Monday through Friday from 7:00 a.m. until 4:00 p.m. Certain construction projects may require, on a limited basis, that the plants be operated outside of normal business hours.
3. Buffer areas shall parallel the boundary of the subject properties as shown on the Generalized Development Plan. These buffers shall consist of undisturbed natural vegetation supplemented as deemed necessary by the Operator, by additional vegetation and/or raised earthen berms. Encroachments into the buffer shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary.
4. All necessary permits allowing wetland disturbance shall be obtained from the pertinent regulating agency (i.e., U.S. Army Corps. of Engineers or Virginia Department of Environmental Quality).
5. Prior to beginning any operations, the Operator shall obtain all necessary permits from the relevant regulating agency (e.g., Virginia Department of Environmental Quality for a water discharge permit). Stormwater containment ponds will be installed in conformance with regulations.
6. Permanent access to the related uses shall be limited to the quarry entrance road.
7. Appropriate lighting fixtures shall be used to avoid light spillage onto adjoining parcels. All lighting shall be properly angled as necessary to ensure light is focused onto subject property.
8. Operator shall maintain on the subject property copies of all federal and state records pertaining to permits and approvals; and upon the Zoning Administrator or his or her agent giving reasonable prior notice, shall make said copies of permits and approvals available to the Zoning Administrator or his or her agent, for review.
9. If Prince Edward County receives a complaint about the odor, the asphalt producer will be required to include additives in the product mixture that help reduce the odor.
10. The silos at each plant will not exceed 100 feet in height.
11. Buffers will exceed the levels of Type C of evergreen, year-round vegetation and include three rows with two large and one small buffer on the eastern side of the property.

The motion carried:

Aye:	Donald Gilliam	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Cannon Watson		
Absent:	Mark Jenkins		
	Teresa Sandlin		

In Re: Review of Board of Supervisors Actions

Mr. Bartlett introduced Mr. Robert Love, Director of Planning and Community Development, who started on May 18.

Mr. Bartlett said the County is beginning the process to reopen; the Courts will begin operating in the next few weeks.

Mr. Bartlett then said the construction is complete, with only the roof to be repaired and to seal and restripe the parking lot.

In Re: Old Business

(None)

New Business

(None)

Chairman Pregarman adjourned the meeting at 9:26 p.m.

Next Meeting: June 3, 2020